

Alan F. Ciamporcero
Executive Director

Federal Regulatory Relations
1775 Pennsylvania Avenue, N.W., Suite 1100
Washington, D.C. 20004
(202) 383-6410

PACIFIC  **TELESIS**
Group-Washington

January 20, 1994

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, DC 20554

RECEIVED

JAN 20 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Mr. Caton:

Re: *GN Docket No. 93-252 - Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*

PR Docket No. 93-144 - Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band

PR Docket No. 89-553 - Amendment of Parts 2 and 90 of the Commission's Rules To Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and 935-940 MHz Band Allotted to the Specialized Mobile Radio Pool

On behalf of **Pacific Bell Mobile Services**, please find enclosed an original and six copies of its "Opposition" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,

Alan F. Ciamporcero /rh

Enclosure

No. of Copies rec'd 247
List A B C D E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
JAN 20 1995

In the Matter of)	GN Docket No. 93-252
)	
Implementation of Sections 3(n) and 332)	
of the Communications Act)	
)	
Regulatory Treatment of Mobile Services)	
)	
Amendment of Part 90 of the)	PR Docket No. 93-144
Commission's Rules to Facilitate Future)	
Development of SMR Systems in the 800)	
MHz Frequency Band)	
)	
Amendment of Parts 2 and 90 of the)	PR Docket No. 89-553
Commission's Rules To Provide for the)	
Use of 200 Channels Outside the)	
Designated Filing Areas in the 896-901)	
MHz and 935-940 MHz Band Allotted to)	
the Specialized Mobile Radio Pool)	
)	

DOCKET FILE COPY ORIGINAL

DOCKET FILE COPY ~~DUPLICATE~~

OPPOSITION OF PACIFIC BELL MOBILE SERVICES

Pacific Bell Mobile Services ("PBMS") hereby opposes portions of the Petition for Reconsideration filed by McCaw Cellular Communication, Inc. ("McCaw") of the Third Report and Order¹ in the above-captioned proceeding.

¹ In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, Amendment of Parts 2 and 90 of the Commission's Rules To Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and 935-940 MHz Band Allotted to the Specialized Mobile Radio Pool, PR Docket 89-553, Third Report and Order, released September 23, 1994 ("Third Report and Order").

McCaw argues that cellular licensees face constraints on their system design that are more extreme than those imposed on ESMR and PCS operators.² For this reason, McCaw seeks reconsideration of the Commission's decision to retain different power limits for the three services.

McCaw's position conveniently ignores the fact that there are differences among the three services that warrant different power limits. The Commission's decision correctly recognized this. PCS operates at twice the frequency of cellular. Therefore it experiences greater path losses. It requires a higher power level to achieve transmission quality that will permit competition with cellular service. Cellular and ESMR systems have completely different system designs. ESMR systems operate with few channels over a large area. Cellular systems operate with many channels over a small area. Consequently, ESMR service requires a higher transmitter power. As the Commission noted, "Reducing the maximum allowable power for such [ESMR] systems would merely increase the cost of providing the same level of service by requiring licensees to construct more transmitters without any corresponding competitive benefit."³ The Commission also noted that "to the extent that SMR licensees are seeking to provide cellular equivalent service, their systems rely on similar low power technology."⁴

Absolute parity in power limits is inappropriate because the three services operate at different frequencies and with different system designs. All three services face

² McCaw Petition, p. 3.

³ Third Report and Order, para. 153.

⁴ Id.

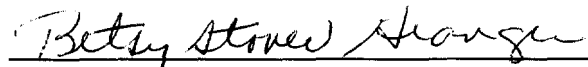
technical and regulatory constraints as a result of the unique characteristics of that service.

Cellular faces no greater burden than the other services.

PBMS urges the Commission to reject McCaw's position and to retain existing mobile power limits for all CMRS services.

Respectfully submitted,

PACIFIC BELL MOBILE SERVICES

A handwritten signature in cursive script, reading "Betsy Stover Granger", is written over a horizontal line.

JAMES P. TUTHILL

BETSY STOVER GRANGER

140 New Montgomery Street, Rm. 1525
San Francisco, California 94105
(415) 542-7649

JAMES L. WURTZ

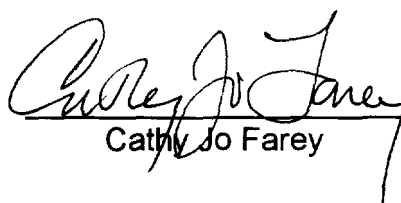
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 383-6472

Its Attorneys

Date: January 20, 1995

CERTIFICATE OF SERVICE

I, Cathy Jo Farey, do hereby certify that a copy of the foregoing Opposition of Pacific Bell Mobile Services was mailed this 20th day of January, 1995, via first class United States mail, postage prepaid to the party listed below.



Cathy Jo Farey

Cathleen A. Massey
McCaw Cellular Communications, Inc.
1150 Connecticut Ave., N.W.
4th Floor
Washington, D.C. 20032